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FILED
OCT 31 2011
RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 06-698 DLJ
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
13 vs.)	ORDER REGARDING SENTENCE
)	REDUCTION UNDER U.S.S.G. §
14 VERNON ALVIN LOUISVILLE, JR.,)	1B1.10(b)(1) (AS AMENDED BY 750,
)	PARTS A & C)
15 Defendant.)	

16 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting
17 through their respective counsel, that:

- 18 1. The defendant is making an unopposed motion for a modification of his sentence
19 pursuant to 18 U.S.C. § 3582(c)(2).
20 2. Defendant's original guideline calculation was as follows:
21 Total Offense Level: 21
22 Criminal History Category: VI
23 Guideline Range: 72-96
24 Mandatory Minimum: 0 months
25 3. Defendant was sentenced to 84 months imprisonment on June 6, 2008.
26 4. According to the Bureau of Prisons, defendant's current projected release date is

1 November 20, 2012.

2 5. Effective November, 1, 2011, defendant is eligible for a modification of his sentence
3 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A
4 and C, of the United States Sentencing Guidelines Manual.

5 6. Defendant's revised guideline calculation is as follows:

6 Total Offense Level: 15

7 Criminal History Category: VI

8 Guideline Range: 41-51 months

9 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the
10 Court by the probation office.

11 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
12 effective November 1, 2011, reducing defendant's sentence to 51 months.

13 9. The parties further stipulate that all other aspects of the original judgment order including
14 the length of term of supervised release, all conditions of supervision, fines, restitution,
15 and special assessment remain as previously imposed, with one exception: as a condition
16 of supervised release, upon release, the defendant shall spend three months in a halfway
17 house. The reason for this condition is to ensure that the defendant has the opportunity to
18 transition from incarceration into society rather than being released straight to society.

19 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
20 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220
21 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007).

22 11. Defendant waives his right to appeal the district court's sentence.

23 12. Accordingly, the parties agree that an amended judgment may be entered by the Court in
24 accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG §
25 1B1.10(b)(1), Amendment 750, Parts A and C, of the Sentencing Commission Guidelines
26 Manual. The parties agree that a proposed amended judgment will be submitted to the

1 Court by the probation office, along with the Sentencing Reduction Investigation Report.
2 13. The parties agree that the Court may sign the amended judgment prior to November 1,
3 2011, so long as the amended judgment is not effective until November 1, 2011. The
4 purpose of signing the order prior to November 1, 2011, is to allow the Bureau of Prisons
5 adequate time to adjust the defendant's release date by the time the guideline amendment
6 is effective on November 1, 2011.

7
8 IT IS SO STIPULATED:

9 /s/
10 Date: 10/28/11
11 RITA BOSWORTH
12 Assistant Federal Public Defender

12 /s/
13 Date: 10/28/11
14 J. DOUGLAS WILSON
15 Assistant United States Attorney

16 ~~[PROPOSED]~~ ORDER

17 Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED
18 that the defendant's sentence is reduced to 51 months; and it is further ORDERED that all
19 original conditions of supervision, fines, restitution, and special assessment remain as previously
20 imposed, with the sole exception that as a condition of supervised release, upon release, the
21 defendant shall spend three months in a halfway house.

22
23 Date: Oct 31, 2011
24 D. LOWELL JENSEN
25 United States District Judge
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